

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
DELTA DIVISION**

DERRICK SIDDALL

PETITIONER

v.

No. 2:10CV81-B-D

LAWRENCE KELLY, ET AL., ET AL.

RESPONDENTS

**FINAL JUDGMENT
ADOPTING REPORT AND RECOMMENDATION**

Upon consideration of the file and records in this action, the court finds that the Report and Recommendation of the United States Magistrate Judge dated April 18, 2011, was on that date duly served by mail upon the *pro se* petitioner at his last known address; that more than ten days have elapsed since service of the Report and Recommendation; and that no objection to the Report and Recommendation has been filed or served by any party. The court is of the opinion that the magistrate judge's Report and Recommendation should be approved and adopted as the opinion of the court. It is, therefore, **ORDERED**:

1. That the Report and Recommendation of the United States Magistrate Judge dated April 18, 2011, is hereby **APPROVED AND ADOPTED** as the opinion of the court.
2. That the instant petition for a writ of *habeas corpus* is **DISMISSED** with prejudice for failure to exhaust state remedies.
3. That this case is **CLOSED**.

THIS, the 5th day of July 2011.

/s/ Neal Biggers
NEAL B. BIGGERS
SENIOR U. S. DISTRICT JUDGE